

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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BOBBIE TORRY,

Petitioner,

v.

GREGORY GRAMS,

Respondent.  
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ORDER

09-cv-656-slc

Pursuant to this court's order of November 15, 2018 and the November 19, 2018 order of the Court of Appeals for the Seventh Circuit remanding the case, IT IS ORDERED that this court's order of September 24, 2018 dismissing petitioner Bobbie Torry's Rule 60(b) motion as a successive habeas petition is VACATED. The clerk of court shall docket petitioner's Rule 60(b) motion as a new petition for a writ of habeas corpus under 28 U.S.C. § 2254, with a filing date of August 27, 2018.

Petitioner shall have until January 7, 2019 in which to submit either the \$5 filing fee or an application for leave to proceed *in forma pauperis*. The court will take no action

on the petition until the fee is paid or petitioner has been granted leave to proceed without paying the filing fee.

Entered this 20th day of November, 2018.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge